

DECISION



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**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548**

FILE: B-183530

DATE: JUL 2 1975

MATTER OF: Descomp, Inc.

DIGEST:

Protest against allegedly defective specifications filed after closing date for receipt of proposals is untimely and will not be considered on merits because 4 C.F.R. § 20.2(a) requires such protest to be filed prior to closing date for receipt of proposals. Protest against unbalanced proposal is essentially protest against specifications.

Descomp, Inc. (Descomp), protests that the Federal Supply Service, General Services Administration (FSS), request for proposals (RFP) 3FP-A5-N-3662-6-20-74 is defective because it allows unbalanced bidding as a result of unrealistic weighting factors. The RFP covered the FSS requirements for keypunching and verifying EAM cards for the period from date of award through June 30, 1975.

The RFP was issued May 21, 1974, and proposals were received until September 17, 1974. By letter dated March 20, 1975, Descomp was informed of partial awards made on various service areas. Prices were offered for different turnaround time requirements. Descomp protests that the weights assigned the different turnaround times were unrealistic and readily susceptible to unbalanced pricing proposals. Descomp cites examples of alleged unbalanced price proposals.

While Descomp couches its protest in terms of unbalanced proposals, the gravamen of its protest is the RFP specifications. Section 20.2(a) of title 4 of the Code of Federal Regulations requires that protests based upon alleged improprieties in any type of solicitation apparent prior to the closing date for receipt of proposals be filed prior to the closing date for receipt of proposals in order to be timely filed. Since Descomp's protest was received after the closing date for receipt of proposals, it is untimely and will not be considered on its merits.

Paul G. Dembling

Paul G. Dembling
General Counsel